

belong to the same category. This sort of domestic terrorism demands a strong, federal response because this country was founded on the premise that persons should be free to be who they are—without fear of violence.

I want to share with you a few reasons why the passage of this legislation is so urgent and necessary. Last week in Committee, we heard from a very young man, Mr. David Ritcheson, who was brutally beaten last year by two individuals due to his ethnicity as a Mexican-American. Mr. Ritcheson spent the next 3 months and 8 days in the hospital, recovering from severe internal injuries. Yet because the attack took place in a private yard rather than an area of public access, the FBI had no grounds to investigate the attack under existing hate crimes laws.

The story of Brandon Teena also demonstrates the need for this legislation. Dramatized in the movie "Boys Don't Cry," Brandon was raped and later killed after the discovery of his biological gender by two acquaintances. Five days before his murder, Brandon reported his rape and beating by the same perpetrators, but the Richardson County Nebraska Sheriff would not pursue the case against Brandon's attackers.

Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful homophobic assailants and left to die on a fence in a remote area of Wyoming. Matthew's death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the targeted community. I remember the impact locally in Wyoming. I was in the midst of my first campaign for Congress in October 1998. Many gay and lesbian youths roughly Matthew's age were working on my campaign. I remember the impact of the crime on them. They were afraid for their safety, and that is precisely the effect these crimes have. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act, and today we are joined by Matthew's mother Judy Shepard and the lead investigator in his case David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's tragic death. Mr. Speaker, the passage of hate crimes legislation is long overdue.

The passage of H.R. 1592 today will be critical for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit these heinous crimes are punished . . . but on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays and lesbians, transgender individuals, and people with disabilities will no longer be tolerated.

The opponents of this legislation will disseminate a lot of misinformation today in order to derail this bill. But make no mistake, the legislation we are considering today has been carefully crafted to protect an individual's First Amendment right to speech, expression, and association. It also provides much needed federal resources to local law enforcement authorities without usurping local authority. Finally, the bill is fully consistent with Supreme Court precedence on both First Amendment and interstate commerce cases.

Our society is not perfect; the passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crimes go

away. H.R. 1592 is about giving state, local, and federal law enforcement authorities the necessary resources and tools to combat violent crimes based on prejudice and intended to terrorize a group of people or an entire community. Such hate crimes are in desperate need of a federal response, and I strongly urge my colleagues to vote in support of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) a senior member of the Judiciary Committee and a former attorney general of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, hate crimes are a serious issue. That's why 45 out of the 50 States have laws against them. That's why we have an already existing Federal law where there is a Federal interest involved.

Unfortunately, this bill is not necessary or is not drawn appropriately for any specific Federal problem. Some 20 years ago, I remember supporting the gentleman from Massachusetts against an effort by a Member on my side of the aisle to remove homosexuals from protection under the Hate Crimes Act at the time, that is the Hate Crimes Statistics Act. That went to the definition.

I am concerned about the definition in this bill. I mentioned this during the rule. In this rule there is no definition of sexual orientation, which becomes a protected class in the sense of enhanced penalty or a new crime for protection for such a victim.

We asked whether we would put the definition that is noted in the statute that goes to the sentencing commission in the bill. In fact, many on the committee said that I had a good idea. Yet, I was denied the opportunity in committee and in the Rules Committee to present that.

So, therefore, we have no definition of sexual orientation. I wanted the simple definition that's recognized in the note to the sentencing commission, which limits it to homosexual or heterosexual conduct. So, now we have an undefined term of sexual orientation.

Why am I concerned about it? Because I come from the State of California, where, for the past 20 years, we have had a problem dealing with an organization called NAMBLA, North American Man/Boy Love Association. They march in parades. They asserted the right, under the first amendment, to be able to hold their meetings in the local chapter in a library in my district. That's a sexual orientation.

Without limiting the definition, as I asked us to do, we open up the potential for creating a new protected class. I do not understand why the majority refused to allow us a serious amendment to just define what this is and get rid of this problem.

We were told, look at the statute. It defines it. We found out it didn't. It said it does it by reference. We went to it. The only reference is to a note to

the sentencing commission. It is not defined.

If this is not taken care of, this bill, I know it's not the intent, but it becomes essentially a NAMBLA Protection Act, because it allows that sort of conduct or any other sexual orientation to be considered because there is a lack of definition.

Why you didn't allow it, I don't know. But you didn't allow it. On that grounds alone, this bill ought not to go forward.

This bill needs to be reviewed, it needs to be amended, it needs to be perfected. It doesn't do what it claims it does. It has an expansion beyond all that anybody would support. At least in the committee they told me they didn't support it.

They said they would take care of it. They didn't take care of it. I asked for a simple amendment in the Rules Committee. We were denied a simple amendment. I don't know why you are doing this, but it is a failure of this bill and will probably defeat this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

First of all, I want to assure my friend Mr. LUNGREN, the former attorney general of California, that we have no opposition about dealing with the definition of which he complained.

I also take this opportunity to remind him that 26 State attorney generals, just like you were, approved this bill.

Now I turn to the chairman of the Subcommittee on Crime, BOBBY SCOTT, and I yield him 2 minutes.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias-based crimes are an unfortunate reality in this country. This legislation is necessary because existing law, 18 U.S.C. section 245(b)(2) does not protect individuals from violent acts based on race, color, national origin or religion, unless the defendant intended to interfere with the victims' participation in certain enumerated Federal activities.

Additionally, Federal law does not presently provide for hate crime protection at all for a tax based on sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the express concerns about the first amendment rights to free speech and association. H.R. 1592 addresses these concerns by providing an evidentiary exclusion, which prohibits the government from introducing evidence of expression or association as substantive evidence at trial, unless it is directly relevant to the elements of the crime.

This provision will ensure that defendants will only be prosecuted and